

2005

STATE OF NEBRASKA

**STATUTES RELATING TO
VETERINARY MEDICINE AND SURGERY
(VETERINARY TECHNICIANS)**

NEBRASKA HEALTH AND HUMAN SERVICES SYSTEM



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PRACTICE OF VETERINARY MEDICINE AND SURGERY

71-1,152. Repealed. Laws 1967, c. 439, §18.

71-1,152.01. Board of Veterinary Medicine; purpose. The purpose of the Board of Veterinary Medicine and Surgery is to: (1) Provide for the health, safety, and welfare of the citizens; (2) insure that veterinarians serving the public meet minimum standards of proficiency and competency; (3) insure that schools of veterinary medicine and surgery meet the educational needs of the students and qualify students to serve the public in a safe and efficient manner; and (4) control the field of veterinary medicine and surgery in the interest of consumer protection.

Source: Laws 1979, LB 96, § 1; Laws 1999, LB 828, § 127; Laws 2000, LB 833, § 2. Effective date July 13, 2000.

71-1,153. Act, how cited. Sections 71-1,152.01 to 71-1,166 shall be known and may be cited as the Nebraska Veterinary Practice Act.

Source: Laws 1967, c. 439, § 1, p. 1353; Laws 1988, LB 1100, § 54; Laws 2000, LB 833, § 3. Effective date July 13, 2000.

71-1,154. Terms, defined. When used in the Nebraska Veterinary Practice Act and elsewhere in the Uniform Licensing Law, unless the context otherwise requires:

(1) Animal means any animal other than man and includes birds, fish, and reptiles, wild or domestic, living or dead, except domestic poultry;

(2) Veterinary medicine and surgery includes veterinary surgery, obstetrics, dentistry, and all other branches or specialties of veterinary medicine;

(3) Practice of veterinary medicine and surgery means:

(a) To diagnose, treat, correct, change, relieve, or prevent animal disease, deformity, defect, injury, or other physical or mental conditions, including the prescription or administration of any drug, medicine, biologic, apparatus, application, anesthetic, or other therapeutic or diagnostic substance or technique, and the use of any manual or mechanical procedure for testing for pregnancy or for correcting sterility or infertility. The acts described in this subdivision shall not be done without a valid veterinarian-client-patient relationship;

(b) To render advice or recommendation with regard to any act described in subdivision (a) of this subdivision;

(c) To represent, directly or indirectly, publicly or privately, an ability and willingness to do any act described in subdivision (a) of this subdivision; and

(d) To use any title, words, abbreviation, or letters in a manner or under circumstances which induce the belief that the person using them is qualified to do any act described in subdivision (a) of this subdivision;

(4) Veterinarian means a person who has received a doctor's degree in veterinary medicine from an accredited school of veterinary medicine or its equivalent;

(5) Licensed veterinarian means a person who is validly and currently licensed to practice veterinary medicine and surgery in this state;

(6) Veterinarian-client-patient relationship means that:

(a) The veterinarian has assumed the responsibility for making clinical judgments regarding the health of the animal and the need for medical treatment, and the client has agreed to follow the veterinarian's instructions;

(b) The veterinarian has sufficient knowledge of the animal to initiate at least a general or preliminary diagnosis of the medical condition of the animal. This means that the veterinarian has recently seen and is personally acquainted with the keeping and care of the animal by virtue of an examination of the animal or by medically appropriate and timely visits to the premises where the animal is kept; and

(c) The veterinarian is readily available or has arranged for emergency coverage and for followup evaluation in the event of adverse reactions or the failure of the treatment regimen;

(7) Accredited school of veterinary medicine within the meaning of the Nebraska Veterinary Practice Act means:

(a) One approved by the department upon the recommendation of the board;

(b) A veterinary college or division of a university or college that offers the degree of Doctor of Veterinary Medicine or its equivalent; and

(c) One that conforms to the standards required for accreditation by the American Veterinary Medical Association;

(8) Person means any individual, firm, partnership, limited liability company, association, joint venture, cooperative and corporation, or any other group or combination acting in concert; and whether or not acting as a principal, trustee, fiduciary, receiver, or as any other kind of legal or personal representative, or as the successor in interest, assignee, agent, factor, servant, employee, director, officer, or any other representative of such person;

(9) Board means the Board of Veterinary Medicine and Surgery;

(10) Department means the Department of Health and Human Services Regulation and Licensure;

(11) Veterinary technician means an individual who has met one of the requirements of subsection (1) of section 71-1,165;

(12) Licensed veterinary technician means a veterinary technician who is validly and currently licensed as a veterinary technician in this state. Only a licensed veterinary technician may advertise or offer his or her services in a manner calculated to lead others to believe that he or she is a veterinary technician;

(13) Unlicensed assistant means an individual who is not a veterinarian or a veterinary technician who is working in veterinary medicine;

(14) Supervisor means a licensed veterinarian or licensed veterinary technician as required by statute or rule or regulation for the particular delegated task being performed by a veterinary technician or unlicensed assistant;

(15) Immediate supervision means that the supervisor is on the premises and is in direct eyesight and hearing range of the animal and the veterinary technician or unlicensed assistant who is treating the animal and the animal has been examined by a veterinarian at such times as acceptable veterinary practice requires consistent with the particular delegated animal health care task;

(16) Direct supervision means that the supervisor is on the premises and is available to the veterinary technician or unlicensed assistant who is treating the animal and the animal has been examined by a veterinarian at such times as acceptable veterinary practice requires consistent with the particular delegated animal health care task; and

(17) Indirect supervision means that the supervisor is not on the premises but is easily accessible and has given written or oral instructions for treatment of the animal and the animal has been examined by a veterinarian at such times as acceptable veterinary practice requires consistent with the particular delegated animal health care task.

Source: Laws 1967, c. 439, § 2, p. 1353; Laws 1988, LB 1100, § 55; Laws 1993, LB 121, § 420; Laws 1996, LB 1044, § 470; Laws 1997, LB 307, § 127; Laws 1999, LB 828, § 128; Laws 2000, LB 833, § 4. Effective date July 13, 2000.

71-1,155. Veterinarian; license; required; exceptions. No person may practice veterinary medicine and surgery in the state who is not a licensed veterinarian. The Nebraska Veterinary Practice Act shall not be construed to prohibit:

(1) An employee of the federal, state, or local government from performing his or her official duties;

(2) A person who is a regular student in a veterinary school from performing duties or actions assigned by his or her instructors or from working under the direct supervision of a licensed veterinarian during a school vacation period;

(3) A person who is a regular student in a veterinary technician school from performing duties or actions assigned by his or her instructors or from working under the direct supervision of a licensed veterinarian during a school vacation period;

(4) Any merchant or manufacturer from selling feed or feeds whether medicated or nonmedicated;

(5) A veterinarian regularly licensed in another state from consulting with a licensed veterinarian in this state;

(6) Any merchant or manufacturer from selling from his or her established place of business medicines, appliances, or other products used in the prevention or treatment of animal diseases or any merchant or manufacturer's representative from conducting educational meetings to explain the use of his or her products or from investigating and advising on problems developing from the use of his or her products;

(7) An owner of livestock or a bona fide farm or ranch employee from performing any act of vaccination, surgery, pregnancy testing, or the administration of drugs in the treatment of domestic animals under his or her custody or ownership nor the exchange of services between persons or bona fide employees who are principally farm or ranch operators or employees in the performance of these acts;

(8) A member of the faculty of a veterinary school or veterinary science department from performing his or her regular functions, or a person lecturing or giving instructions or demonstrations at a veterinary school or veterinary science department or in connection with a continuing competency activity;

(9) Any person from selling or applying any pesticide, insecticide, or herbicide;

(10) Any person from engaging in bona fide scientific research which reasonably requires experimentation involving animals;

(11) Any person from treating or in any manner caring for domestic chickens, turkeys, or waterfowl, which are specifically exempted from the Nebraska Veterinary Practice Act; or

(12) Any person from performing dehorning or castrating livestock, not to include equidae.

For purposes of the Nebraska Veterinary Practice Act, castration shall be limited to the removal or destruction of male testes.

Source: Laws 1967, c. 439, §3, p. 1354; Laws 1986, LB 926, §47; Laws 1988, LB 1100, §56; Laws 2002, LB 1021, §23; Laws 2004, LB 1005, §18; Laws 2005, LB 301, §11. Operative date September 4, 2005.

71-1,156. Repealed. Laws 1987, LB 473, §63.

71-1,157. Veterinary medicine and surgery; license; validity. Any person holding a valid license to practice veterinary medicine and surgery in this state on October 23, 1967, shall be recognized as a licensed veterinarian and shall be entitled to retain such status so long as he or she complies with the Nebraska Veterinary Practice Act and the provisions of the Uniform Licensing Law relating to veterinary medicine and surgery.

Source: Laws 1967, c. 439, §5, p. 1358; Laws 1988, LB 1100, §57. Operative date April 8, 1988.

71-1,158. Veterinary medicine and surgery; license; application; qualifications. (1) Any person desiring a license to practice veterinary medicine and surgery in this state shall make written application to the board. The application shall include:

- (a) Proof that the applicant is twenty-one years of age or more;
 - (b) Information indicating that the applicant is a person of good moral character;
 - (c) Proof that the applicant is a graduate of an accredited school of veterinary medicine or holds a certificate issued by an entity that determines educational equivalence approved by the department upon recommendation of the board indicating that the holder has demonstrated knowledge and skill equivalent to that possessed by a graduate of an accredited college of veterinary medicine; and
 - (d) Such other information and proof as the board may require by rule and regulation.
- (2) The application shall be accompanied by the required fee.
- (3) If the board determines that the applicant possesses the proper qualifications, the board shall admit the applicant to the next examination, or if the applicant is eligible for a license without examination under section 71-1,160, the board may forthwith recommend that he or she be issued a license. If an applicant is found not qualified to take the examination or for a license without examination, the board shall immediately notify the applicant in writing of such finding and the grounds therefor.

Source: Laws 1967, c. 439, § 6, p. 1358; Laws 1974, LB 811, § 15; Laws 1975, LB 255, § 1; Laws 1987, LB 473, § 26; Laws 1988, LB 1100, § 58; Laws 2000, LB 833, § 8; Laws 2002, LB 1062, § 35; Laws 2003, LB 242, § 55. Operative date July 1, 2004.

71-1,159. Repealed. Laws 1987, LB 473, §63.

71-1,160. Board; license; waive written examination, when. The board may direct the issuing of a license without a written examination to a qualified applicant who furnishes satisfactory proof required under subdivision (1)(c) of section 71-1,158 and who:

(1) Has for one year prior to filing his or her application been a practicing veterinarian licensed in a state, territory, or district of the United States having license requirements, at the time the applicant was first licensed, which were substantially equivalent to the requirements of the Nebraska Veterinary Practice Act; or

(2) Has prior to filing his or her application successfully completed and passed an examination approved by the board.

At its discretion, the board may orally or practically examine any person qualifying for licensing under this section.

Source: Laws 1967, c. 439, § 8, p. 1359; Laws 1988, LB 1100, § 59; Laws 2000, LB 833, § 9; Laws 2000, LB 1115, § 22; Laws 2002, LB 1062, § 36. Operative date July 20, 2002.

71-1,161. Repealed. Laws 2005, LB 301, s. 78.

71-1,162. Veterinarian; license; renewal; continuing competency requirements. Each Nebraska-licensed veterinarian in active practice within the State of Nebraska shall, on or before April 1 of each even-numbered year, complete continuing competency activities as required by the board pursuant to section 71-161.09 as a prerequisite for the licensee's next subsequent license renewal.

Source: Laws 1967, c. 439, § 10, p. 1360; Laws 1969, c. 566, § 1, p. 2303; Laws 1973, LB 515, § 13; Laws 1982, LB 263, § 2; Laws 1985, LB 250, § 16; Laws 1986, LB 926, § 48; Laws 1988, LB 1100, § 61; Laws 2002, LB 1021, § 24. Operative date January 1, 2003.

71-1,163. Board; disciplinary actions; grounds. A license to practice veterinary medicine and surgery may be denied, refused renewal, limited, revoked, or suspended or have other disciplinary measures taken against it in accordance with section 71-155 when the applicant or licensee is guilty of any of the acts or offenses specified in sections 71-147 and 71-148 and for any of the following reasons:

- (1) Fraud or dishonesty in the application or reporting of any test for disease in animals;
- (2) Failure to keep veterinary premises and equipment in a clean and sanitary condition;
- (3) Failure to report, as required by law, or making false report of, any contagious or infectious disease;
- (4) Dishonesty or gross negligence in the inspection of foodstuffs or the issuance of health or inspection certificates; or
- (5) Cruelty to animals.

Source: Laws 1967, c. 439, §11, p. 1361; Laws 1988, LB 1100, §62. Operative date April 8, 1988.

71-1,164. Disclosure of information; restrictions. Unless required by any state or local law for contagious or infectious disease reporting or other public health and safety purpose, no veterinarian licensed under the Nebraska Veterinary Practice Act shall be required to disclose any information concerning the veterinarian's care of an animal except under a written authorization or other waiver by the veterinarian's client or pursuant to a court order or a subpoena. A veterinarian who releases information under a written authorization or other waiver by the client or pursuant to a court order or a subpoena is

not liable to the client or any other person. The privilege provided by this section is waived to the extent that the veterinarian's client or the owner of the animal places the veterinarian's care and treatment of the animal or the nature and extent of injuries to the animal at issue in any civil or criminal proceeding. For purposes of this section, veterinarian includes the employees or agents of the licensed veterinarian while acting for or on behalf of such veterinarian.

Source: Laws 2000, LB 833, § 5. Effective date July 13, 2000.

71-1,165. Veterinary technician; license; requirements; renewal; continuing competency requirements. (1) To be a veterinary technician in this state, an individual shall meet one of the following requirements:

(a) Be a graduate of an American Veterinary Medical Association approved veterinary technician program and receive a passing score on the national examination for such program as determined by the board;

(b) On July 13, 2000, be an approved animal technician certified under sections 71-1,168 to 71-1,185 as such sections existed prior to such date; or

(c) Have at least five years or more full-time experience working with a veterinarian, be employed by a veterinarian on July 13, 2000, and within three years after such date receive a passing score on the national examination described in subdivision (1)(a) of this section as determined by the board.

(2) A veterinary technician license shall be renewed biennially. Each licensed veterinary technician shall be required to complete continuing competency activities as required by the board pursuant to section 71-161.09 as a prerequisite for the licensee's next subsequent license renewal.

Source: Laws 2000, LB 833, § 6; Laws 2002, LB 1021, § 25; Laws 2003, LB 242, § 57. Operative date July 1, 2004.

71-1,166. Veterinary technicians; rules and regulations. The department shall adopt and promulgate rules and regulations providing for (1) licensure of veterinary technicians meeting the requirements of section 71-1,165 and (2) standards for the level of supervision required for particular delegated animal health care tasks and which determine which tasks may be performed by a veterinary technician and by unlicensed assistants. The level of supervision may be immediate supervision, direct supervision, or indirect supervision as determined by the department based upon the complexity and requirements of the task.

Source: Laws 2000, LB 833, § 7; Laws 2003, LB 242, § 58; Laws 2003, LB 245, § 14. Note: The changes made by LB 245 became operative January 1, 2004. The changes made by LB 242 became operative July 1, 2004.

71-1,167. Repealed. Laws 1988, LB 1100, §185.

71-1,168 to 71-1,176. Repealed. Laws 2000, LB 833, § 12.

71-1,177. Repealed. Laws 1988, LB 1100, §185.

71-1,178. Repealed. Laws 2000, LB 833, § 12.

71-1,179. Repealed. Laws 1988, LB 1100, §185.

71-1,180 and 71-1,181. Repealed. Laws 2000, LB 833, § 12.

71-1,182. Repealed. Laws 1988, LB 1100, §185.

71-1,183 to 71-1,185. Repealed. Laws 2000, LB 833, § 12.